

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

MARK A. MURDOCK and
JUANITA D. MURDOCK,

Debtors.

MARK A. MURDOCK and
JUANITA D. MURDOCK,

Case No. 05-60140
Hon. John Corbett O'Meara

Appellants,

v.

LABORERS' FRINGE BENEFIT FUNDS -
DETROIT AND VICINITY,

Appellee.

OPINION AND ORDER

Appellants Mark and Juanita Murdock filed a pro se appeal of a decision of the Bankruptcy Court for the Eastern District of Michigan, which denied a motion for reconsideration of earlier orders that dismissed the case and denied some of the Murdock's motions.

Federal Rule of Civil Procedure 60(b) provides that relief from judgment may be obtained when one of a number of circumstances is established, including mistake, inadvertence, surprise, excusable neglect, newly discovered evidence, fraud or other reasons. The denial of a motion made pursuant to Rule 60(b) is reviewed for an abuse of discretion. Browder v. Director, Dep't of Corr. of Ill., 434 U.S. 257, 263 n. 7 (1978). When reviewing an appeal of a motion made pursuant to Federal Rule of Civil Procedure 60(b) and the corresponding Federal Rule of

Bankruptcy Procedure 9024, the court does not review the underlying judgments, but merely inquires whether the circumstances provided in Rule 60(b) are present.

In this case, the Bankruptcy Court did not abuse its discretion when it denied the Murdock's motion for reconsideration. The Murdocks did not include any newly discovered evidence and did not demonstrate the the Bankruptcy Court's earlier orders constituted palpable error. The Murdocks essentially rehashed the same arguments they made in the original motions. Denying the motion for reconsideration was proper.

Accordingly, the decision of the Bankruptcy Court to deny Appellants' 60(b) motion is **AFFIRMED.**

s/John Corbett O'Meara

John Corbett O'Meara
United States District Judge

Dated: September 29, 2005